





## **PCT**

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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INTERNATI	IONAL PRELIMINARY EXAMIN	NATION REPORT
	(PCT Article 36 and Rule 70)	
Applicant's or agent's file reference NE+03P170	FOR FURTHER ACTION See Notified Preliminary	ication of Transmittal of Internation Examination Report (Form PCT/IPEA/41
International application No. PCT/JP2003/015270	International filing date (day/month/year) 28 November 2003 (28.11.2003)	Priority date (day/month/year) 29 November 2002 (29.11.2002)
International Patent Classification (IPC) or n G01N 33/68, 27/447, 27/62	ational classification and IPC	25 110 (6111001 2002 (25.11.2002
Applicant	NEC CORPORATION	
	2.20 COID ORGITION	
This international preliminary exami     and is transmitted to the applicant ac	nation report has been prepared by this Intern cording to Article 36.	national Preliminary Examining Authority
2. This REPORT consists of a total of	5 sheets, including this cover s	heet.
This report is also accompanies amended and are the basis for 70.16 and Section 607 of the A	ed by ANNEXES, i.e., sheets of the description this report and/or sheets containing rectifical Administrative Instructions under the PCT).	on, claims and/or drawings which have bee tions made before this Authority (see Ru
These annexes consist of a total	andor die i Ci).	
3. This report contains indications relati	ng to the following items:	
I Basis of the report		
II Priority		
III Non-establishment of	opinion with regard to novelty, inventive ste	p and industrial applicability
IV Lack of unity of inver	•	
V Reasoned statement un citations and explanat	nder Article 35(2) with regard to novelty, invions supporting such statement	entive step or industrial applicability;
VI Certain documents cite		
VII Certain defects in the i	international application	
	n the international application	
		·
Date of submission of the demand	Date of completion of	this report
28 November 2003 (28.11.2	2002	uly 2004 (08.07.2004)
Name and mailing address of the IPEA/JP	Authorized officer	
2		
acsimile No.	Telephone No.	

Form PCT/IPEA/409 (cover sheet) (July 1998)

International application No.

## PCT/JP2003/015270

1. With regard to the elements of the international application:*  the international application as originally filed  the description:  pages  pages  pages  pages  , filed with the letter of  the claims:  pages  pages  pages  , as originally filed  pages  pages  , as a mended (together with any statement under Article  pages  pages  , filed with the letter of  the drawings:  pages  pages  , as originally filed with the letter of  the sequence listing part of the description:  pages  pages  pages  , filed with the letter of  the sequence listing part of the description:  pages	1.	Basis of the report	FC1/JP2003/015270	
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pages	-	, filed with	the letter of	
pages		in the sequence listing part of the description:		
pages			1	
2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which is the international application was filed, unless otherwise indicated under this item.  These elements were available or furnished to this Authority in the following language  the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).		hages	, as originally filed	
the international application was filed, unless otherwise indicated under this item.  These elements were available or furnished to this Authority in the language in which is the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).		, ilieu with i	ine letter of	
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination (under Rule 55.2 and preliminary examination was carried out on the basis of the sequence listing:    contained in the international application in written form.     filed together with the international application in computer readable form.     furnished subsequently to this Authority in written form.     furnished subsequently to this Authority in computer readable form.     The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.     The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.     The amendments have resulted in the cancellation of:     the description, pages	4.	the language of the translation furnished for the purposes of international or 55.3).  ith regard to any nucleotide and/or amino acid sequence disclosed in eliminary examination was carried out on the basis of the sequence listing:  contained in the international application in written form.  filed together with the international application in computer readable form.  furnished subsequently to this Authority in written form.  furnished subsequently to this Authority in computer readable form.  The statement that the subsequently furnished written sequence listing international application as filed has been furnished.  The statement that the information recorded in computer readable form been furnished.  The amendments have resulted in the cancellation of:  the description, pages  the claims, Nos.  This report has been established as if (a.e., a.e., a.	al preliminary examination (under Rule 55.2 and/ the international application, the international and does not go beyond the disclosure in the is identical to the written sequence listing has	
beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**  * Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to and 70.17).  ** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.		acement sheets which have been furnished to the receiving Office in response is report as "originally filed" and are not annexed to this report since 10.17).	to an invitation under Article 14 are referred to	
Form PCT/IPEA/409 (Box I) (July 1998)		2	i ana unnexea lo this report	

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v.	Reasoned statement under Article : citations and explanations supporti	35(2) with regard to nove ng such statement	elty, inventive step or industrial appli	cability;
1.	Statement			
	Novelty (N)	Claims	1-14	YES
		Claims -		NO
	Inventive step (IS)	Claims		YES
		Claims -	1-14	NO
	Industrial applicability (IA)	Claims	1-14	YES
		Claims		NO

### 2. Citations and explanations

Document 1 (JP 5-133958 A (Seiko Instruments Inc.), 28 May 1993 & US 5521097 A) sets forth as a method of determining the amino acid sequence of a protein from the C-terminal, a method wherein the protein is dissociated from the C-terminal, and the resultant generated reaction mixture is analyzed using a mass spectrometer to obtain amino acid sequence information.

Document 2 (JP 2002-189029 A (Sumitomo Chemical Co., Ltd.), 5 July 2002) sets forth a method for determining the amino acid sequence of the N-terminal of a protein, wherein the terminal amino acid is cut off by a chemical or biochemical means, and the peptides obtained are measured using MALDI-TOF mass spectrometry (paragraph [0025]), and amino acid sequence data is obtained from the spectrum thus obtained. Document 2 also indicates that this method is applied to protein separated by electric migration, which is held in a gel (paragraphs [0032] and [0041] to [0044]).

### Claims 1 to 14

The invention set forth in document 1 and the invention set forth in document 2 both relate to methods of determining amino acid sequences, therefore it would be

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obvious to a person skilled in the art to apply the method set forth in document 1 to the sample having a protein separated by electric migration held in a gel as described in document 2.

In addition, the invention set forth in document 1 carries out a reaction at a temperature of 0°C or below, but determining the temperature at which a reaction should take place is merely a matter which a person skilled in the art could determine taking into account the impact on side reactions and the rate of reaction obtained. Meanwhile, no critical effect is generated by setting the reaction temperature to fall within the range of 30°C to 80°C. Therefore, a person skilled in the art would be able to set the reaction temperature to fall within the range of 30°C to 80°C as necessary. Moreover, the reaction path disclosed in the detailed explanation is different from that described in document 1, but the two have the common feature of carrying out analysis after protecting the Cterminal by acylation. The reagents used are different, but the selection of reaction path is a matter which a person skilled in the art could select as necessary, and no particular effect would be generated by selecting the reaction path which passes through the structure shown in general formula (III).

Moreover, the provision of a step of dewatering before having the acid anhydride take effect, and providing the step of stopping the reaction at the point at which the reaction has been adequately carried out are techniques which a person skilled in the art would carry out as a matter of course.

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					01/31/2003/013/2/0
VI. Certain documents cited	i .				
1. Certain published docume	nts (Rule 70.10)				
Application No. Patent No.	Publication (day/month			<i>ar)</i>	Priority date (valid claim) (day/month/year)
JP 2003-279581 A	02 October 2003	(02.10.2003)	25 March 2002 (2	5.03.2002)	29 November 2002 (29.11.2002
[EA]					
2. Non-written disclosures (R	ule 70.9)			<del></del>	
Kind of non-written disclosure		Date of non-written disclosure (day/month/year)		Date of written disclosure referring to non-written disclosure (day/month/year)	

## ecupatatio 27 may 2005

### 約

PCT

### 国際予備審查報告

REC'D 29 JUL 2004 PCT WIPO

(法第12条、法施行規則第56条) [PCT36条及びPCT規則70]

出願人又は代理人 の書類記号 NE+03P170	今後の手続きについては、国際予備審査報告の送付通知(様式PCT/ IPEA/416)を参照すること。
国際出願番号 PCT/JP03/15270	国際出願日 (日.月.年) 28.11.2003 優先日 (日.月.年) 29.11.2002
国際特許分類 (IPC) Int. Cl' G01N 33/68	(н. д. 4) 23. 11. 2002
出願人 (氏名又は名称)	
	日本電気株式会社
1. 国際予備審査機関が作成したこの原	
2. この国際予備密本部生は、この世界	国際予備審査報告を法施行規則第57条(PCT36条)の規定に従い送付する。
2. この国際予備審査報告は、この表組	を含めて全部で4 ページからなる。
(PCT規則70.16及びPCT) この附属書類は、全部で	ページである。
3. この国際予備審査報告は、次の内容	を含む。
I X 国際予備審査報告の基礎	
Ⅱ □ 優先権	
Ⅲ 別 新規性、進歩性又は産業上	の利用可能性についての国際予備審査報告の不作成
IV	
V 区 PCT35条(2)に規定する の文献及び説明 VI 区 ある種の引用文献	5新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるため
VII 国際出願の不備	
Ⅷ □ 国際出願に対する意見	· ·
目際予備審査の間求審を受理した日 28.11.03	国際予備審査報告を作成した日 08.07.2004
称及びあて先 日本国特許庁(IPEA/JP) 郵便番号100-8915 東京都千代田区霞が関三丁目4番35	特許庁審査官(権限のある職員) 2 J 9 4 0 7 宮澤 浩 印
	地面哲学 03-3581-1101 内線 3251

### 国際予備審查報告

国際出願番号 PCT/JP03/15270

Ι.	国際予備審査	報告の基礎		•	•
1.	この国際予備: 芯答するため  P C T規則70.	審査報告は下記の出 に提出された差し替 16,70.17)	願書類に基づいて作成さ え用紙は、この報告書に	れた。(法第6条(PC' おいて「出願時」とし、2	『14条』の規定に基づく命令 ▶報告書には添付しない。
X	出願時の国際	<b>奈出願</b> 書類	:		
	明細書 明細書 明細書	第 第 第 第	ページ、 ページ、 ページ、	出願時に提出されたもの国際予備審査の請求書と	) : 共に提出されたもの 付の書簡と共に提出されたもの
	請求の範囲 請求の範囲 請求の範囲 請求の範囲	第 第 第	項、 項、 	出願時に提出されたもの PCT19条の規定に基 国際予備審査の請求書と	) ごづき補正されたもの
	図面 図面 図面	第 第 第	ページ/図、 ページ/図、 ページ/図、	出願時に提出されたもの 国際予備審査の請求書と	
	明細書の配列 明細書の配列 明細書の配列	表の部分 第  表の部分 第	ページ、 	出願時に提出されたもの 国際予備審査の請求書と 	共に提出されたもの 付の書簡と共に提出されたもの
	国際調査の PCT規則 国際予備報	48.3(b)にいう国際   春のために提出され	<b>ルたPCT規則55.2また</b>	・翻訳文の言語 は55.3にいう翻訳文の言語	
3. 20	この国際出出の国際出出の国際といい。	出願に含まれる書面に 出願と共に提出された この国際予備審査 この国際予備審査 出した書面による配 あった	こよる配列表 - 磁気ディスクによる配列 (または調査) 機関に提出 (または調査) 機関に提出 - 関表が出願時における日	列表 出された書面による配列表 出された磁気ディスクによ 国際出願の開示の範囲を超	国際予備審査報告を行った。  る配列表  える事項を含まない旨の陳述  同一である旨の陳述春の提出
日間	別細書 第 引求の範囲 第		さ。 ページ 項 <i>ページ</i> ,	· · · · <b>/</b> 図	
5. 🗍 こ れ 記	の国際予備審 るので、その 1.における	査報告は、補充欄に 補正がされなかった 判断の際に考慮しな	こ示したように、補正が こものとして作成した。( なければならず、本報告)	出願時における開示の範囲 「PCT規則70.2(c) この こ添付する。)	を越えてされたものと認めら 補正を含む差し替え用紙は上
			•		

#### 国際予備審查報告

国際出願番号 PCT/JP03/15270

V. 新規性、進歩性又は産業上の利用可能性 文献及び説明	についての法第12条 (P	CT35条(2)) に定める見解、	それを裏付ける
1. 見解			
新規性 (N)	請求の範囲 請求の範囲	1-14	
進歩性(IS)	請求の範囲 請求の範囲	1-14	· 有 
産業上の利用可能性 (IA)	請求の範囲	1-14	有 無
2. 文献及び説明 (PCT規則70.7)			
文献1:JP 5-133958 A(セイコーには、タンパク質のアミク質をC末端から分解しすることによりアミノ酸 文献2:JP 2002-189029 A(住友信には、タンパク質のN末酸を化学的または生化学 F型質量分析法などにより、ルからアミノ酸配列情報気泳動によって分離されてとも記載されている(長	ア は の が で と で で で で で で で で で で で で で で で で で	から決定する方法として 文応混合物を質量分析製 の02.07.05 決定方法において、端部 の2.5】)、得られた、 の2.5】)、また、 されていました。	、 を で 分析 Sの アミーTO アミーTO スペクト ストを電
請すないでと、得るのでと、は、まないでと、でとでよ者明知に、これでは、とれて、とのには、とれて、というのには、とれて、というのには、とれて、というのには、とれて、というのには、とれて、というのには、とれて、というのでと、は、とれて、というのでと、は、とれて、というのでと、は、は、は、は、は、は、は、は、は、は、は、は、は、は、は、は、は、は、は	からのである。 いかでであるでは、生性ででででででででででででででででででででででででででででででででででで	でででででででででででででででででででででででででででででででででででで	に状を定が、経て択応帰態 どし生当路分す経示の のうじ業は解る路さ試 程るる者、をから

#### 国際予備審查報告

国際出願番号 PCT/JP03/15270

VI.	ある種の引用文献			
1.	ある種の公表された文書(PC	Γ規則70.10)		

出願番号 公知日 優先日(有効な優先権の主張) 出願日 特許番号 <u>(日.月.年)</u> (日.月.年) (日.月.年) JP 2003-279581 A [EA] 02. 10. 2003 25. 03. 2002 29. 11. 2002

**書面による開示以外の開示 (PCT規則70.9)** 

書面による開示以外の開示の種類 書面による開示以外の開示の日付 **書面による開示以外の開示に雷及している** 書面の日付 (日. 月. 年)

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